

TENTATIVE AGENDA  
STATE WATER CONTROL BOARD MEETING  
TUESDAY, JULY 29, 2008  
AND  
WEDNESDAY, JULY 30, 2008 (if necessary)

House Room C  
General Assembly Building  
9<sup>th</sup> & Broad Streets  
Richmond, Virginia

Convene – 9:30 a.m. (Both Days)

<b>I.</b>	<b>Minutes</b> (April 10, 2008)		<b>TAB</b> A
<b>II.</b>	<b>Permits</b>		
	Town of Craigsville VPDES Permit (Augusta Co.)	Fowler	B
	Dominion Virginia Power VCHEC Project VWP Permit (Wise Co.)	Newman	C
	Town of Warrenton Recreation Center (Fauquier Co.)	Marsala	E
<b>III.</b>	<b>Final Regulations</b>		
	Water Reclamation and Reuse Regulation – Deferred Section 105	Rourke	F
<b>IV.</b>	<b>Proposed Regulations</b>		
	Water Quality Standards – Protection of Eastern Shore Tidal Waters for Clams and Oysters	Daub	G
<b>V.</b>	<b>Significant Noncompliance Report</b>	Davenport	
<b>VI.</b>	<b>Consent Special Orders (VPDES Permit Program)</b>	Davenport	H
	Northern Regional Office		
	Evergreen Country Club (Prince William Co.)		
	Hartland Institute of Health & Education (Madison Co.)		
	South Central Regional Office		
	Town of Appomattox (Appomattox Co.)		
	Piedmont Regional Office		
	The Scotts Company LLC of Ohio (Brunswick Co.)		
	Tidewater Regional Office		
	Associated Naval Architects, Inc. (Portsmouth)		
	Hercules, Inc. (Southampton Co.)		
<b>VII.</b>	<b>Consent Special Orders (VPA Permit Program)</b>	Davenport	I
	Valley Regional Office		
	Town of Craigsville (Augusta Co.)		
<b>VIII.</b>	<b>Consent Special Orders (VWP Permit Program and Others)</b>	Davenport	J
	Piedmont Regional Office		
	Ellis Land, LLC (Westmoreland Co.)		
	Walmart Stores East, LP (Lancaster Co.)		
	Valley Regional Office		
	C. W. Properties, LLC (Greene Co.)		
	Columbia Gas Transmission Corp. (Greene Co.)		

West Central Regional Office  
R & K Foundations, Inc. (Franklin Co.)  
Tidewater Regional Office  
New Town Associates, LLC and AIG Baker Williamsburg,  
LLC (James City Co.)  
American Timberland Company (Suffolk)

- IX. Consent Special Orders (Oil)** Davenport K  
Piedmont Regional Office  
W. Scott Baugh (Powhatan Co.)  
Dann Marine Towing, LC (Chesapeake City, MD)  
Five Star Property Holdings, LLC (Richmond)  
Richmond Petroleum Marketing, Inc. (Henrico Co.)  
Valley Regional Office  
Grottoes Ganesh, Inc. (Rockingham Co.)

**X. Public Forum**

- XI. Other Business**  
Division Director's Report Gilinsky L  
TMDL Reports – Director Approval  
Broad Creek, Jackson Creek and Fishing Bay No-Discharge Zone  
Impaired Waters Report  
Future Meetings

**ADJOURN**

NOTE: The Board reserves the right to revise this agenda without notice unless prohibited by law. Revisions to the agenda include, but are not limited to, scheduling changes, additions or deletions. Questions arising as to the latest status of the agenda should be directed to Cindy M. Berndt at (804) 698-4378.

**PUBLIC COMMENTS AT STATE WATER CONTROL BOARD MEETINGS:** The Board encourages public participation in the performance of its duties and responsibilities. To this end, the Board has adopted public participation procedures for regulatory action and for case decisions. These procedures establish the times for the public to provide appropriate comment to the Board for their consideration.

For REGULATORY ACTIONS (adoption, amendment or repeal of regulations), public participation is governed by the Administrative Process Act and the Board's Public Participation Guidelines. Public comment is accepted during the Notice of Intended Regulatory Action phase (minimum 30-day comment period and one public meeting) and during the Notice of Public Comment Period on Proposed Regulatory Action (minimum 60-day comment period and one public hearing). Notice of these comment periods is announced in the Virginia Register and by mail to those on the Regulatory Development Mailing List. The comments received during the announced public comment periods are summarized for the Board and considered by the Board when making a decision on the regulatory action.

For CASE DECISIONS (issuance and amendment of permits and consent special orders), the Board adopts public participation procedures in the individual regulations which establish the permit programs. As a general rule, public comment is accepted on a draft permit for a period of 30 days. If a public hearing is held, there is a 45-day comment period and one public hearing. If a public hearing is held, a summary of the public comments received is provided to the Board for their consideration when making the final case decision. Public comment is accepted on consent special orders for 30 days.

In light of these established procedures, the Board accepts public comment on regulatory actions and case decisions, as well as general comments, at Board meetings in accordance with the following:

**REGULATORY ACTIONS:** Comments on regulatory actions are allowed only when the staff initially presents a regulatory action to the Board for final adoption. At that time, those persons who participated in the prior proceeding on the proposal (i.e., those who attended the public hearing or commented during the public comment period) are allowed up to 3 minutes to respond to the summary of the prior proceeding presented to the Board. Adoption of an emergency regulation is a final adoption for the purposes of this policy. Persons are allowed up to 3 minutes to address the Board on the emergency regulation under consideration.

**CASE DECISIONS:** Comments on pending case decisions at Board meetings are accepted only when the staff initially presents the pending case decision to the Board for final action. At that time the Board will allow up to 5 minutes for the applicant/owner to make his complete presentation on the pending decision, unless the applicant/owner objects to specific conditions of this permit. In that case, the applicant/owner will be allowed up to 15 minutes to make his complete presentation. The Board will then, in accordance with § 2.2-4021, allow others who participated in the prior proceeding (i.e., those who attended the public hearing or commented during the public comment period) up to 3 minutes to exercise their right to respond to the summary of the prior proceeding presented to the Board. No public comment is allowed on case decisions when a FORMAL HEARING is being held.

**POOLING MINUTES:** Those persons who participated in the prior proceeding and attend the Board meeting may pool their minutes to allow for a single presentation to the Board that does not exceed the time limitation of 3 minutes times the number of persons pooling minutes or 15 minutes, whichever is less.

**NEW INFORMATION** will not be accepted at the meeting. The Board expects comments and information on a regulatory action or pending case decision to be submitted during the established public comment periods. However, the Board recognizes that in rare instances new information may become available after the close of the public comment period. To provide for consideration of and ensure the appropriate review of this new information, persons who participated during the prior public comment period shall submit the new information to the Department of Environmental Quality (Department) staff contact listed below at least 10 days prior to the Board meeting. The Board's decision will be based on the Department-developed official file and discussions at the Board meeting. For a regulatory action should the Board or Department decide that the new information was not reasonably available during the prior public comment period, is significant to the Board's decision and should be included in the official file,

an additional public comment period may be announced by the Department in order for all interested persons to have an opportunity to participate.

**PUBLIC FORUM:** The Board schedules a public forum at each regular meeting to provide an opportunity for citizens to address the Board on matters other than pending regulatory actions or pending case decisions. Anyone wishing to speak to the Board during this time should indicate their desire on the sign-in cards/sheet and limit their presentation to not exceed 3 minutes.

The Board reserves the right to alter the time limitations set forth in this policy without notice and to ensure comments presented at the meeting conform to this policy.

Department of Environmental Quality Staff Contact: Cindy M. Berndt, Director, Regulatory Affairs, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, Virginia 23218, phone (804) 698-4378; fax (804) 698-4346; e-mail: [cmberndt@deq.virginia.gov](mailto:cmberndt@deq.virginia.gov).